

well-established DOT grant process which is used to distribute Federal operating and capital grants Amtrak. This section authorizes \$100 million for the Department of Homeland Security for each of Fiscal Years 2008 through 2010 to carry out this section. Grants to Amtrak are limited to \$45 million over the authorization period and certain grants related to hazardous materials rail security are limited to \$80 million in total over the authorization period.

The Conference substitute adopts a modified version of the Senate provision. The provision establishes a railroad security grant program for railroads that have completed a vulnerability assessment and security plan under Section 1513 of the Conference substitute for a permissible use identified within the section. However, the Secretary has the discretion during the first three years after the date of enactment of the Act, or up until one year after the regulations are issued under section 1513, to award grants based on vulnerability assessments and security plans developed by railroad carriers that do not meet the requirements of Section 1513 if the Secretary finds such assessments and plans sufficient. Additionally, grants can be awarded under this provision to fully or partially fund the assessments and plans required under Section 1513. The Conference includes these provisions to ensure that eligible entities would be authorized to receive grants funds under this section as soon as possible upon enactment of the Conference substitute and so that eligible entities could use grant funds to develop the assessments and plans required under Section 1513 in a timely fashion.

The Conference substitute assigns the responsibility of awarding and distributing grants to the Secretary, except for grants to Amtrak which the Secretary can award, but which the Secretary of Transportation would distribute using the well-established Department of Transportation grant process to Amtrak. The Secretary of Homeland Security is also required to report to the appropriate Congressional Committees on the feasibility and appropriateness of requiring non-Federal match for grants awarded under this provision.

The Conference believes the authorization of this grant program is particularly important because little of the existing DHS rail and transit security grant funds have been available to intercity passenger rail security and no grant funds have been made available for freight railroad security.

#### *Section 1514. System-Wide Amtrak Security Upgrades*

There is no comparable House provision.

Section 1422 of the Senate bill authorizes the Secretary of Homeland Security, in consultation with the TSA, to make grants to Amtrak for the purposes of upgrading the security of assets, systems and infrastructure; securing tunnels, trains, and stations; hiring additional police officers; expanding emergency preparedness efforts; and for employee security training. The provision also requires that the Secretary of Transportation disburse the grants to Amtrak for projects contained in its system-wide security plan that it is required to develop. The provision authorizes funds to be appropriated for grants under this section for Fiscal Years 2008 through 2010.

The Conference substitute adopts the Senate provision as modified. The authorization amounts are increased and extended one Fiscal Year to reflect current and anticipated Amtrak security expenditures.

#### *Section 1515. Fire and Life Safety Improvements.*

There is no comparable House provision.

Section 1423 of the Senate bill authorizes the Secretary of Transportation to make

grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor. This section authorizes \$100 million in funding for the Department of Transportation for each of Fiscal Years 2008 through 2011 to make fire and life-safety improvements to the New York/New Jersey tunnels; \$10 million for each of Fiscal Years 2008 through 2011 for improvements of the Baltimore & Potomac and Union tunnels in Baltimore, Maryland; and \$8 million for each of Fiscal Years 2008 through 2011 for improvements of the Washington, D.C., Union Station tunnels. The Secretary of Transportation is required to approve plans submitted by Amtrak before distributing grants. In addition, the Secretary of Transportation is authorized to consider the feasibility of seeking a financial contribution from other rail carriers towards the cost of the project. This section also authorizes \$3 million in FY 2008 for preliminary design of a new railroad tunnel in Baltimore, Maryland.

The Conference substitute adopts the Senate provision, but with reduced authorization levels to reflect the completion of portions of phase 1 of Amtrak's tunnel fire and life safety projects since the consideration of S.4 by the Senate, and other changes.

#### *Section 1516. Railroad Carrier Exercises*

Section 101 of the House bill provides grants to fund exercises to strengthen preparedness against risks of terrorism. Sections 301 and 302 of the House bill strengthen the design of the national exercise program to require it to enhance the use and understanding of the Incident Command System (ICS) by requiring that the national exercise program include model exercises for use by State, local and tribal governments. Section 1101 of the House bill requires the Secretary of Homeland Security to establish a program to enhance private sector preparedness for acts of terrorism and other emergencies and disasters, developing and conducting training and exercises to support and evaluate emergency preparedness and response plans and operational procedures.

There is no comparable Senate provision.

The Conference substitute adopts a new provision that requires the Secretary to create a security exercises program to test and evaluate the ability of railroads to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism. The provision also requires that the exercises conducted be tailored to the needs of particular facilities, including accommodations for individuals with disabilities; live, in the case of the most at-risk facilities to a terrorist attack; and coordinated with appropriate officials. The Conference substitute also requires that the Secretary, together with the Secretary of Transportation, ensure that the program consolidates existing railroad security exercises that are administered by the Departments, unless this requirement is waived by the Secretary of Homeland Security.

The Conference intends for there to be one primary rail security exercises program within the Federal government administered by TSA, but are including the waiver authority to ensure that any Department of Transportation railroad safety or railroad hazardous materials exercises that have a nexus with security are not automatically consolidated into this program. The Conference expects that the consolidation of exercises that primarily relate to safety would only occur with the concurrence of the Secretary of Transportation and the Secretary of Homeland Security.

#### *Section 1517. Railroad Security Training Program*

There is no comparable House provision.

Section 1429 of the Senate bill requires the Secretary of Homeland Security, in consultation with the Secretary of Transportation, not later than 1 year after the date of enactment of this Act, to work with law enforcement officials, as well as terrorism and railroad security experts, to develop and issue detailed guidance for a railroad worker security training program to prepare front-line workers for potential security threat conditions. This section also would require railroad carriers to adopt a worker security training program in accordance with the guidance and submit it to the Secretary of Homeland Security for approval. Within one year after the Secretary completes a review of a railroad carriers' training programs, the railroad carrier would be required to complete the training of all front-line employees consistent with the approved program.

The Conference substitute adopts the Senate provision with modified language that requires the Secretary, in consultation with appropriate parties, to issue regulations for a railroad training program to prepare front-line employees, as defined in section 1501 of the Conference substitute, for potential security threats and conditions. Not later than 90 days after the Secretary issues regulations, each railroad carrier would be required to submit for review and approval a security training program. Each freight and passenger railroad is required to complete training of all employees not later than one year after the Secretary approves its training program. The Secretary is required to review implementation of the training program.

#### *Section 1518. Railroad Security Research and Development*

There is no comparable House provision.

Section 1425 of the Senate bill requires the Secretary of Homeland Security to, in conjunction with the Department of Homeland Security's Undersecretary for Science and Technology and the Administrator for TSA, and in consultation with the Secretary of Transportation, carry out a research and development program for the purpose of improving freight and intercity passenger rail security. In carrying out this section, the Secretary of Homeland Security would be required to coordinate with other research and development initiatives at the Department of Transportation. The Secretary also may award research and development grants to certain entities described in this section. This section authorizes \$33 million for the DHS for each of Fiscal Years 2008 through 2011 for the Secretary to carry out this section.

The Conference substitute adopts the Senate provision as modified to extend the authorizations to Fiscal Year 2011, to ensure coordination with other research and development initiatives, and with a provision included to ensure that any activities carried out under this section that could affect privacy, civil liberties or civil rights would receive privacy impact assessments.

#### *Section 1519. Railroad Tank Car Security Testing*

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision that would assess likely methods of a deliberate attack on a railroad tank car transporting toxic-inhalation-hazard materials and the potential impact of such attacks. It requires the Secretary of Homeland Security to conduct certain physical tests as part of the assessment and to submit a report within 30 days of completing the assessment to the appropriate Congressional Committees. The Conference substitute also requires an air dispersion modeling analysis of a rail tank car carrying toxic-inhalation-hazard materials and specifies factors to be